

# **Village of Wellington**

*12300 Forest Hill Blvd  
Wellington, FL 33414*



## **Action Summary**

**Tuesday, June 25, 2019**

**7:00 PM**

**Village Hall - Council Chambers**

## **Village Council**

*Anne Gerwig, Mayor  
Michael J. Napoleone, Vice Mayor  
John T. McGovern, Councilman  
Michael Drahos, Councilman  
Tanya Siskind, Councilwoman*

**1. CALL TO ORDER**

Mayor Gerwig called the meeting to order at 7:00 p.m.

Council Members present: Anne Gerwig, Mayor; Michael Napoleone, Vice Mayor; John McGovern, Councilman; Michael Drahos, Councilman; and Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Chevelle D. Nubin, Village Clerk.

**2. PLEDGE OF ALLEGIANCE**

Ms. Elizabeth Cardozo led the Pledge of Allegiance.

**3. INVOCATION**

Deacon Al Payne, St. Therese de Lisieux Catholic Church, Wellington, delivered the Invocation.

**4. APPROVAL OF AGENDA**

Mr. Schofield announced that he was recommending approval of the agenda as presented; however, he wanted to add an item after Ms. Cardozo's presentation, an introduction of Valerie Haines, the new Area Regional Superintendent for Palm Beach County, Florida Schools, which would become Item 5B.

A motion was made by Councilman McGovern, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to approve the Agenda as amended.

**5. PRESENTATIONS AND PROCLAMATIONS****A. [19-3003](#)**

A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING NEW HORIZONS ELEMENTARY SCHOOL PRINCIPAL ELIZABETH CARDOZO ON HER RETIREMENT AND YEARS OF SERVICE WITH PALM BEACH COUNTY SCHOOLS AND TO THE VILLAGE OF WELLINGTON.

Mr. Schofield introduced the agenda item.

Ms. Callovi, Deputy Village Clerk, read the proclamation.

Ms. Cardozo said that she was overwhelmed and extended her

appreciation for the recognition. She said that she was looking forward to the new adventure and phase in her life. Ms. Cardozo said that she knew she was leaving the school in very capable hands.

Council extended their congratulations to Ms. Cardozo and expressed their appreciation for all of her dedication and hard work throughout her career.

Council presented Ms. Cardozo with a proclamation and posed with her, her husband, and teachers who were there supporting her for a photograph.

**B. [19-3117](#)**

VALERIE HAINES, NEW AREA REGIONAL SUPERINTENDENT FOR PALM BEACH COUNTY, FLORIDA SCHOOLS.

Mr. Schofield introduced the new Area Superintendent, Ms. Valerie Haines.

Ms. Haines said that she was happy to be at the meeting. She stated that she had grown up in Wellington. She felt that it was important to say that because she has seen Wellington grow from a child's perspective to an adult noting that her Mom still lives in the Village. Ms. Haines said that for her, it was like coming back home, but this time in a different capacity. She said that in this capacity she would be able to make a difference in the community and with the students. She said that Dr. Rodriguez did an amazing job in the years he served the Village, and she intended to work diligently to make sure that work moves forward and that they keep an open communication both ways to do what is best for the children and the community. Ms. Haines thanked the Council for having her and that she looked forward to working with them.

Ms. Haines said that she was hoping for them to have their own Meet and Greet so that she could speak and get to know each member of Council. Mayor Gerwig said that they would love to host that. Mr. Schofield indicated that Ms. Edwards was going to arrange that meeting.

**6. CONSENT AGENDA**

Mr. Schofield said that staff recommended approval of the Consent Agenda as presented.

A motion was made by Vice Mayor Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to approve the Consent Agenda as presented.

Mr. Schofield indicated that there were no public comment cards for the Consent Agenda or Public Forum at this time.

- A. [19-3065](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF MAY 14, 2019 AND MAY 28, 2019  
This item was approved on Consent.
- B. [19-3018](#) AUTHORIZATION TO UTILIZE A STATE OF FLORIDA CONTRACT FOR SECURITY SERVICES, DURING THE CONSTRUCTION PHASE OF THE WASTEWATER TREATMENT FACILITY RENEWAL & REHABILITATION PROJECT  
This item was approved on Consent.
- C. [19-2847](#) AUTHORIZATION TO AWARD A SOLE SOURCE CONTRACT FOR THE PURCHASE AND DELIVERY OF A TINYLINEMARKER  
This item was approved on Consent.
- D. [19-3039](#) RESOLUTION NO. R2019-31 (GRAND PRIX VILLAGE TRAFFIC AND PARKING ENFORCEMENT AGREEMENTS)  
  
A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL APPROVING AGREEMENTS FOR TRAFFIC CONTROL AND PARKING ENFORCEMENT JURISDICTION BETWEEN THE VILLAGE OF WELLINGTON AND THE GRAND PRIX VILLAGE PROPERTY OWNERS ASSOCIATION; AND PROVIDING AN EFFECTIVE DATE.  
This item was approved on Consent.
- E. [19-3005](#) AUTHORIZATION TO NEGOTIATE A CONTRACT TO PROVIDE CONSTRUCTION MANAGER AT RISK (CMAR) SERVICES FOR THE TOWN CENTER BOARDWALK PROJECT  
This item was approved on Consent.

## 7. PUBLIC HEARINGS

- A. [19-3051](#) ORDINANCE NO. 2019-04 [ARTICLE 5 OF THE LAND DEVELOPMENT REGULATIONS (LDR)]  
  
AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE WELLINGTON LAND DEVELOPMENT REGULATIONS, MORE SPECIFICALLY, A ZONING TEXT AMENDMENT TO MODIFY ARTICLE 5, IN ITS ENTIRETY, AS CONTAINED HEREIN; TO ESTABLISH SPECIFIC STANDARDS RELATED TO THE DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN

EFFECTIVE DATE.

**B.**     [19-3052](#)

RESOLUTION NO. R2019-15 (DEVELOPMENT REVIEW MANUAL)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, ADOPTING THE DEVELOPMENT REVIEW MANUAL, AS MORE SPECIFICALLY DESCRIBED HEREIN, TO PROVIDE FORMS FOR PLANNING AND ZONING APPLICATION TYPES, SUBMITTAL REQUIREMENTS, REVIEW CRITERIA AND DETAIL THE PROCESS FOR DEVELOPMENT APPLICATIONS AS REQUIRED IN ARTICLE 5 OF WELLINGTON'S LAND DEVELOPMENT REGULATIONS AND TO COMPLY WITH FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the first item, Ordinance No. 2019-04 and indicated Council may want to have a combined discussion with the second item, Resolution No. R2019-15.

Ms. Callovi read the Ordinance and Resolution by title.

Mr. Basehart and Ms. Cramer were present to address these items. Mr. Basehart said that, if it was Council's pleasure, he they would discuss both items; however, they would require separate votes.

Mr. Basehart presented the staff report.

Ms. Cramer showed a Power Point presentation that outlined the changes that were being made.

Public Hearing

A motion was made by Councilman Drahos, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to open the Public Hearing.

There being no public comments, a motion was made by Councilman Drahos, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to close the Public Hearing

Approvals

Ordinance No. 2019-04

A motion was made by Councilman Drahos, seconded by Vice Mayor Napoleone, and unanimously passed (5-0), to approve Ordinance No. 2019-04 on First Reading as presented.

Resolution No. R2019-15

A motion was made by Councilman Drahos, seconded by Councilwoman Siskind, and unanimously passed (5-0), to approve Resolution No. R2019-15 as presented.

**8. REGULAR AGENDA**

There were no items on the Regular Agenda.

**9. PUBLIC FORUM**

At the time the Public Forum section was announced, no members of the public indicated they wanted to speak. However, during Mr. Schofield's Manager's report, two members of the public requested to speak on issues that were unrelated to the report. See the Manager's Report for those public comments.

**10. ATTORNEY'S REPORT**

**MS. COHEN:** Ms. Cohen presented the following report:

Ms. Cohen announced that she, the Vice Mayor, and Village Manager would be attending mediation tomorrow for Pine Tree. She said that she would report back to Council.

**11. MANAGER'S REPORT**

**MR. SCHOFIELD:** Mr. Schofield presented the following report:

The next Regular Council Meeting will be held on Tuesday, July 9, 2019 at 7:00 p.m. in the Council Chambers. As a reminder, it has been the Council's practice to hold only one meeting in July.

Village offices will be closed July 4, 2019 in observance of Independence Day.

Wellington's Fourth of July celebration will start at 12:00 Noon at the Aquatics Complex, start at Village Park at 6:00 p.m. with Fireworks starting at 9:15 p.m.

Mr. Schofield said that he had a request from Anna Yeskey, IPARC, who advised him that they would be re-establishing the Countywide Issues Forum, and requested that they nominate a member and an alternate member. He said that it has been nearly a decade since this Committee met and the County has asked to reconstitute them to be able to address issues that are of a Countywide nature. Mr. Schofield said that in one of

his Weekly Reports, he sent some of the topics that they might consider Countywide, i.e., the discharge of phosphorus from Lake Okeechobee. He said that it has been the Village's past practice to appoint the Mayor and Vice Mayor as member and alternate, respectively; however, the appointments would be Council's decision.

Mayor Gerwig stated that re-establishing the Issues Forum was part of her Presidential Initiative for the Palm Beach County League of Cities. She explained that the Issues Forum broke down because of a lawsuit from one of the cities against the County regarding the funding for the IG as well as other issues. Mayor Gerwig said that she liked that they were restarting this, but it was not necessarily a place for grievances and things like that. She noted that intergovernmental coordination is a requirement in every city's comprehensive plan, and this meets that requirement.

Mayor Gerwig thought that they should be addressing the manure issue. She said that they have repeatedly said that it is not a Wellington problem as the government of Wellington does not even own a horse to produce manure; however, it is a significant problem for the community, for the neighbors to the north and south as well as for the County. Mayor Gerwig thought it would be the best place to take the conversation beyond just Wellington's obligations. She said that Ms. Yeskey had laid out the procedure that Council would have to vote on any ideas they want to bring to the Issues Forum. She said if the Village wanted to do that as a subject, they would have to vote on it as a Council and then bring it to the Issues Forum at the next meeting, which is in August.

Regarding the nominations, Mayor Gerwig said that since she was on the Executive Board, she did not believe she had to be the designated member of the Council

Councilman Drahos thought that she should be their designated member. Vice Mayor Napoleone agreed and said he would nominate her.

Councilman McGovern questioned whether there would be a benefit to have two sitting councilmembers there if Mayor Gerwig was already there. Mayor Gerwig said there was a question whether or not they could have two councilmembers if she was already there. She said that becomes the issue of serving on a committee together. She said that she would probably have to be their designated member and the Vice Mayor would be the alternate.

Mayor Gerwig asked Council what their thoughts were on the manure subject.

Vice Mayor Napoleone thought that they needed to address that because, they have been trying to address that issue locally and internally with the problem they are having on 50th Street. He thought they needed to get more voices to engage in the discussion.

Councilman McGovern voiced his agreement and said that they may want to address that in August or at some point in time when more equestrians are here.

Mayor Gerwig said that they would bring that up as a subject to the Issues Forum and then they would decide how they were going to present it. She said the first procedure was for Council to say that it should be brought forward and then the Issues Forum would have to say that they agree. She said that she only used that as an example as it does not affect every city, but does affect a significant number of cities and the County. She said that she persuaded them on that line when they were discussing what issues they should be brought forward. Mayor Gerwig said they thought that was a Wellington problem, but she went into detail how she thought it was not only a Wellington problem but a problem for west Jupiter, significant areas of the County, the Town of Loxahatchee Groves, and in west Boynton area. She thought she had gotten them to that point.

Mr. Schofield indicated that there were some topics listed in the Weeklies that he wanted to also suggest: septic to sewer conversion which will be a critical issue; discharges from Lake Okeechobee as they deal with blue green algae; and the SR 80 Transportation Corridor. He thought those were also critical to the Village and also had a countywide impact.

Council agreed that they should bring those issues forward.

Mayor Gerwig said they should call for a vote to be clear, and then they will present the four issues to the Issues Forum who will say yes or no. She said that this is also an agency process that will also help if there is something that happens that affects two cities. She explained that many times things will happen where there is a service where one municipality will be required to supply services to someone outside of their areas and there may be some conflict over that. She said that is the type of thing that might be brought up to the Issues Forum and those are the kinds of things that this group has value for.

A motion was made by Vice Mayor Napoleone, seconded by Councilman Drahos, and unanimously passed (5-0), to approve Mayor



Gerwig bringing the following issues to the Issues Forum: (1) Manure; (2) Septic to Sewer Conversion; (3) Discharges from Lake Okeechobee; and (4) SR80 Transportation Corridor.

At this point, a late comer to the meeting had filled out a comment card to speak. Since Mr. Schofield indicated his next item would be lengthy, he suggested that they take the comment before he continued with his report.

### **Public Comment**

1. Peter Tauber, 13676 Folkestone Court, Wellington. Mr. Tauber praised the city on doing a great job. He also praised the Community Services Department for running a great seniors program. He spoke about the pothole problem in the Wellington Marketplace Shopping Center, particularly by the Asian restaurant.

Mr. Schofield indicated that they did notice the problem and notices were sent out. Mayor Gerwig said that Wellington was not focusing on any place in particular, but it was in the local paper that Wellington's Code Enforcement were addressing parking lots in commercial spaces that needed to be addressed.

At this point, Mr. Schofield continued with his report:

Mr. Schofield said that he had received a request for assistance late that afternoon from the Town of Loxahatchee Groves. He explained that they were working with the Transportation Planning Agency on a grant for trails along Okeechobee Blvd and F Road. He said the County had been serving as their local agency partner; however, they indicated that they were no longer willing to do that for the trail along F Road. He noted that Loxahatchee Groves asked if Wellington would consider doing it because the Village has experience doing it as a Local Agency Partner (LAP) as well as having done equestrian trails. He said that, to the extent that this involves submitting the application, he was prepared to recommend that they could do that.

Mayor Gerwig asked Mr. Schofield to explain why the County had withdrew. Vice Mayor Napoleone said that they indicated in the letter that it was town-owned property and not county-owned. Mr. Schofield said that there are some issues with accountability and responsibility that go with being a LAP agency once you get into the construction phase. He said that while he was prepared to support allowing them to move forward with the application noting that it will take six or seven months to become LAP certified. Mr. Schofield said that he did not believe that the

Village would be in the position to oversee and manage construction because there are state and federal guidelines in terms of payment, oversight and certifications. He said that since it is a project that is outside Wellington's boundaries, he felt they were not equipped to do that. Mr. Schofield said that for the purposes of helping an adjacent municipality to get the application moving and knowing that funding for this is at least 18 months off and perhaps 36 months, he believed if they can help Loxahatchee Groves, they should do that. However, he did not believe they should go any further than the permit and basic survey and stages, none of which are funded by LAP noting that the Town has to do that on their own.

Councilman Drahos asked if Wellington was to agree to assist and then Loxahatchee Groves became certified, could they then withdraw as the County did. Mr. Schofield responded affirmatively. He said that this would be contingent on them getting their LAP certification.

Councilman McGovern added that once that occurred, Loxahatchee Groves would then become their own certifying agency. Mr. Schofield indicated that was correct.

Mayor Gerwig said that Wellington was just a stopgap for their neighbor. Mr. Schofield explained that they were only helping them get the application in, get through the initial stages and give them time to get their own agency partner certification.

Councilman Drahos questioned why the County would not let them wait it out and get their certification. Mr. Schofield said that he could not say, but if Councilman Drahos was asking him should Wellington become the LAP partner for the entire phase of construction, he would say no.

Councilman McGovern thought the issue was that they had a July 1st deadline; and the County Commission may not be able to meet that. He said if Mr. Schofield read Mr. Titcomb's email, it talked about following up with an interlocal agreement that would meet both municipalities' interest; he asked if they would still be doing that. In response, Mr. Schofield said that they need to do that; however, the problem that both he and Mr. Titcomb have is that neither of them can approve it. He said that it would be legal review on Wellington's part, and the soonest they could have it back before Council would be July 9th although he was not sure they could even meet that date. Mr. Schofield said he wanted to at least get to the point where Loxahatchee Groves can make the application by the July 1st deadline.

Mayor Gerwig said that the idea behind an interlocal agreement has

some mutual benefit as there is a horse community that crosses over. She asked if having a trail system to the north was a benefit to Wellington. Mr. Schofield felt it was and explained that one of the things that Wellington did was to build a multipurpose path along Flying Cow Road, which would take them out to what is supposed to be the Lake Okeechobee Trail. He said that they use Wellington's facilities and there is some cost between the two communities.

Vice Mayor Napoleone asked if there was any cost to Wellington where they would be reimbursed. Mr. Schofield indicated that the only initial cost would be the time that it takes him to work out the agreement and the time it takes Ms. Cohen to review it. He said that any design costs would strictly be borne by the Town of Loxahatchee Groves. He said that he was not in a position nor would he recommend that they spend funds in another community.

Mayor Gerwig said that Council could approve this because she felt they are a good neighbor and they have mutual interests, but it has to be reviewed by the Legal Department.

Councilman McGovern stated that the agreement has to be legal, allowable and has to be something that Wellington can do for them, but it also has to include a way for Wellington to back out if Loxahatchee Groves does not become LAP certified. Mr. Schofield advised Council that the agreement would say if they do not become LAP certified then Wellington would be withdrawing.

Mr. Schofield stated that he was not certain that as a municipality they could be the LAP partner for another municipality, which he would have to clear up with FDOT in the morning. He said that assuming that is allowable, they could then move forward. He said that he did not receive the email until after 5:00 p.m. and he did not have enough time to contact FDOT.

Mr. Schofield said that for the purposes of getting the application in and getting them into design, he thought they were relatively safe moving forward; however, he could not recommend that they continue once construction starts.

Vice Mayor Napoleone said that if Wellington was allowed to sponsor them as a co-municipality, he was okay with helping their neighbors knowing that it is only the time commitment for Mr. Schofield and Ms. Cohen to help put the documents together. He said that hopefully once Loxahatchee Groves becomes certified, they could run with the project themselves with no outlay of cash on Wellington's part.

Councilman Drahos was okay with it as long as there was a clear definition of what Wellington's role is as well as a clear definition of their exit. He said that he would like to think that if roles were reversed, they would come to Wellington's aid. He felt that they should be a good neighbor and agreed with the Mayor that they have mutual interests.

Councilman McGovern voiced his agreement stating that they do have mutual interests to seeing them have a functional trail system that allows for safe travel for the horses, and that it was a western communities thing. He felt they should do it if they can, if they are on safe legal grounds and that they are protected if Loxahatchee Groves does not become LAP certified.

Mayor Gerwig said that there was Council consensus to move ahead on this.

At this time, another speaker submitted a comment card.

1. Haakon Gangnes, 13783 53rd Rd S, Wellington. Mr. Gangnes said "ask not what the Village can do for you, but what you can do for your Village." He felt that they needed to find a way to regulate the manure operations. He pointed out that as of June 5th, the State came back with the requirement that this activity needed to be permitted as a solid waste. Mr. Gangnes said that the Village has a way to regulate them; however, they are still operating. He asked Council what action would be taken.

Mayor Gerwig advised Mr. Gangnes that the Village does not engage in discussion during this time. Mr. Schofield stated that he would call Mr. Gangnes in the morning.

Mr. Gangnes continued with his comments.

With regard to the changes in the Code, Mr. Gangnes asked if they have actually asked someone from the public to read it. Mr. Schofield indicated that had been done.

At this point, Mr. Tauber had an additional comment. Mayor Gerwig advised him that this was out of order, but they would allow it.

Mr. Tauber stated that the concert series at the Amphitheatre was fantastic.

Mayor Gerwig said Council takes public comments very seriously. She

spoke about the changes in the code noting that the first step was interacting with the community because they were hearing that the code was too cumbersome and confusing. Mr. Schofield added that they had been in that process for almost two years. He said that they had given it to some of their very newest people to review. He said that one of the positive changes that they had seen was that Ms. Ferraiolo, who started out as a Planning Technician, read it for simplicity and understanding and, as a result, she has become one of their better plans who understands the Code very well.

## 12. COUNCIL REPORTS

**COUNCILWOMAN SISKIND:** Councilwoman Siskind presented the following report:

She extended her congratulations to Chevelle Nubin who was the recipient of an award from the Florida Association of City Clerks.

She wished everyone a safe and fun Fourth of July.

**COUNCILMAN MCGOVERN:** Councilman McGovern presented the following report:

He said that he hoped to see everyone on the Fourth of July.

Councilman McGovern welcomed Valerie Haines. He said that he had a chance to meet with her, and believed that, although she had big shoes to fill, she was ready for the job as the Area Superintendent of schools.

He expressed his thanks to the Parks & Recreation staff for working with the American Legion. He said that he and Councilman Drahos had attended their Veterans Open House on June 5th. He felt this is an important event that should be held every year. Councilman McGovern hoped more people would take advantage of those organizations and services that exist in the community to help veterans.

**COUNCILMAN DRAHOS:** Councilman Drahos presented the following report:

Councilman Drahos stated that he looked forward to seeing everyone on the Fourth of July. He said that they do a great job with the fireworks, and he was looking forward to it.

**VICE MAYOR NAPOLEONE:** Vice Mayor Napoleone presented the following report:

Vice Mayor Napoleone hoped that everyone was having a great summer. He said it has been a dangerously hot summer, and encouraged everyone to stay hydrated if they are outside a lot.

He said that with the Fourth of July coming up, he asked everyone not to set off personal fireworks, not only because it is illegal, but because of the danger of burning things down since it has been so dry. He encouraged everyone to go to the designated fireworks show that is put on safely.

Vice Mayor Napoleone apologized for missing the July meeting, which conflicts with his family's annual vacation.

**MAYOR GERWIG:** Mayor Gerwig presented the following report:

Mayor Gerwig said, having grown up in Indiana, she was familiar with the fun in setting off fireworks; however she stressed that it is a very dangerous thing to do. She said that it is not something that people should be doing in their neighborhoods. Mayor Gerwig pointed out how children have been hurt each year from fireworks and how it adversely affects people and animals. She said if people know of a neighbor who is dealing with PTSD or has animals that are highly excitable, they should show respect and come to the Village's event.

Mayor Gerwig spoke of the high turnout at the event particularly during good weather. She noted that people were tailgating and extending their stay at the event because of the crowds in the parking lot. She encouraged people to use the shuttle buses, and to be patient getting in and out of the venue.

Mayor Gerwig said there is a Patriotic Pool party starting at Noon at the Aquatics Complex that has prizes on the hour for kids and different competitions. She said she has been known to participate in the belly flop contest. Mayor Gerwig thanked staff for trying to make the Fourth of July celebration a whole day event.

### **13. ADJOURNMENT**

There being no further business to come before the Village Council, the meeting was adjourned at 8:05 p.m.